

REMARKS

Claims 67-86 are pending in the application.

Claims 67-86 have been rejected.

Claims 67, 76 and 85 have been amended, as set forth herein.

New Claims 87-90 have been added.

I. REJECTION UNDER 35 U.S.C. § 112, and OBJECTIONS

Claims 67-85 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement, and the drawings and specification was objected to for related reasons. The rejection is respectfully traversed.

Applicant has amended independent Claims 67, 76 and 85 to recite “telephony device” to replace the reference to “call server system”, as shown in the amended Claims 67, 76 and 85.

Accordingly, the Applicant respectfully requests withdrawal of the § 112 rejection of Claims 67-85 and withdrawal of the objection to the drawings and specification.

II. REJECTION UNDER 35 U.S.C. § 103

Claim 86 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Wood (US 6,091,808) in view of “Java Telephony API: An Overview” (“Java Telephony API”). The rejection is respectfully traversed.

The main reference that forms the basis of the 103 rejection is cited States Patent No. 6,091,808 to Wood.

Section 103(c) provides:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Title 35, United States Code, § 103(c). See also, MPEP § 2146.

The present application (for which a continued prosecution application (CPA) was filed on July 9, 2003) is owned by Nortel Networks Limited, as evidenced by documents recorded at Reel 010548, Frame 0754 (assignment from inventors to Nortel Networks Corporation) and Reel 011195, Frame 0706 (name change document changing name from Nortel Networks Corporation to Nortel Networks Limited). The cited reference, US 6,091,808, is also owned by Nortel Networks Limited as evidenced by documents recorded at Reel 011195, Frame 0706 (name change document changing name from Nortel Networks Corporation to Nortel Networks Limited). Therefore, the present application and the cited reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person.

Accordingly, the Wood reference is unavailable as prior art under section 103(a) and the Office Action fails to establish a prima facie case of obviousness. Applicant respectfully requests withdrawal of the § 103(a) rejection of Claim 86.

III. NEW CLAIMS 87-90

New Claims 87-90 have been added. New Claims 87-90 correspond to original Claims 1, 15, 43, and 57, respectively, as filed in the parent application. The substance of these claims was previously rejected under § 103 based upon the Wood reference, however, as illustrated, the Wood reference is unavailable as prior art under § 103. Accordingly, the Applicant believes that these claims are patentable over the cited art.

IV. CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

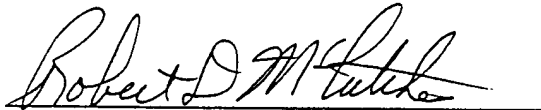
If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at rmccutcheon@davismunck.com.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: 4/14/2004



Robert D. McCutcheon
Registration No. 38,717

P.O. Drawer 800889
Dallas, Texas 75380
(972) 628-3632 (direct dial)
(972) 628-3600 (main number)
(972) 628-3616 (fax)
E-mail: rmccutcheon@davismunck.com